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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,284	07/10/2001	Srinivas Venkatram	117.010	8700

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EXAMINER

BOOKER, KELVIN E

ART UNIT

PAPER NUMBER

2121

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,284

Applicant(s)

VENKATRAM, SRINIVAS

Examiner

Kelvin E Booker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Detailed Office Action*.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims two, five and six are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "*concern*" in **claims five and six** is a relative term which renders the claims indefinite. The term "*concern*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The indefinite psychological term is used to define definite axes and integral points of relativity, without providing clear support or definition respective of the term's usage.

Claim two provides for a "*method of managing knowledge within an organization*", but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claim two** is rejected under 35 U.S.C. 101 because the invention as disclosed in the aforementioned claim is directed to non-statutory subject matter. While the claim is in the technological arts, it is not limited to practical applications in the technological arts.

Specifically, the claim addresses a series of steps to be performed on a computer system, but the ideas are disclosed abstractly from any particular practical application. **Claim two** focuses on “*method of managing knowledge within an organization*”, but fails to provide the necessary steps encompassing the claimed process.

To constitutionally interpret the word “process”, the Supreme Court has held that: “***A process is a mode of treatment of certain materials to produce a given result. It is an act, or a series of acts, performed upon the subject matter to be transformed and reduced to a different state or thing. ***The Process requires that certain things should be done with certain substances, and in a certain order; but the tools to be used in doing this may be a secondary consequence.”(emphasis added) *Diamond, Commission of Patents and Trademarks v. Diehr and Lutton*, 209 USPQ 1, 6 (1981) quoting *Cochrane v. Deener*, 94 U.S. 780, 787-788 (1876).

This Constitutional interpretation of the word “process” is a long-standing one that the Supreme Court requires to be applied in interpreting 35 USC 101. *Diamond v. Diehr* at 6. Consequently, the use of that interpretation is Constitutionally required when we interpret the Federal Circuit’s standard that a “new and useful process” is one that produces a useful, concrete, and tangible result”. Cf. *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 47 USPQ2d 1596, 1600-1601 (Fed. Cir. 1998).

Applicant discloses no “certain substances” that have been “transformed or reduced” in that applicant’s claims disclose no specific computer-readable medium, no manipulation of specific data representing physical objects or activities (pre-computer activity), nor do they disclose any specific independent physical acts being performed by the invention (post-computer activity).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claim one** is rejected under 35 U.S.C. 102(a) as being anticipated by Hazlehurst et al., U.S. Patent No. 6,003,020 [hereafter Hazlehurst].

As per claim one, Hazlehurst teaches of a method of managing knowledge within an organization, said method comprising:

A. connecting a computer to a service provider (see column 3, lines 27-30: “This user profiling...another communication channel”);

B. running a browser on said computer (see figure 4; and column 3, lines 10-30: presenting users with forms for questions and answers via the internet);

C. receiving for core knowledge a request from a user (see column 3, lines 15-30: user log onto the system and interact with the IPS system);

D. prompting the user to respond to options and refine the knowledge request while storing the user's answers as knowledge fragments linked to the knowledge request (see figures three and four; and column 3, lines 15-55: user log onto the system and interact with the IPS system and stores the input data respective of the knowledge base structure and relationships (e.g., database table elements, keywords, etc.)); and

E. while said browser is running and iteratively performing the following steps a-d:

1) assessing a knowledge base and retrieving the information control of the knowledge base in the computer (see figures three and four; and column 3, lines 15-55);

2) identifying on said knowledge base one or more knowledge fragments linked to the core knowledge unit (see column 3, lines 15-55: user log onto the system and interact with the IPS knowledge system);

3) assessing said knowledge fragments and storing the information content of said different fragments in said computer (see column 3, lines 15-55: the IPS system stores the input data respective of the knowledge base/relational database structure (e.g., database table elements, keywords, etc.)); and

4) displaying said stored core knowledge and knowledge fragments on the computer (see figures six and 10; and column 6, lines 45-60: providing the user with cumulative population results from user fragmented data (e.g., cumulative database elements)).

Conclusion

6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- A. Fayyad et al., U.S. Patent No. 6,633,882;
- B. Sumner, II et al., U.S. Patent Application Publication No. 2003/0130973;
- C. Stier et al., U.S. Patent No. 6,591,258;
- D. Stier et al., U.S. Patent No. 6,560,589;
- E. Fayyad et al., U.S. Patent No. 6,549,907;
- F. Wical, U.S. Patent No. 6,487,545;
- G. Lamp, U.S. Patent Application Publication No. 2002/0143873;
- H. Swaminathan et al., U.S. Patent No. 6,425,525;
- I. Oosta, U.S. Patent Application Publication No. 2002/0062302;
- J. Fayyad et al., U.S. Patent No. 6,263,334;
- K. Ohsuga, U.S. Patent No. 6,171,109;
- L. Hazlehurst et al., U.S. Patent No. 6,003,020;
- M. Dengel et al., "Clustering and Classification of Document Structure-A Machine Learning Approach";
- N. Her et al., "A Bayesian Neural Network Model for Dynamic Web Document Clustering";
- O. Zervas et al., "The Curse of Dimensionality and Document Clustering";
- P. Tatemura, J., "Visualizing Document Space by Force-Directed Dynamic Layout";
- Q. Shimamura et al., "A Domain Cluster Interface for WWW Search"; and

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R. Allan et al., "Interactive Cluster Visualization for Information Retrieval".

7. An inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Booker whose telephone number is (703) 308-4088. The examiner can normally be reached on Monday-Friday from 7:00 AM-5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri, can be reached on (703) 305-0282. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

K.E.B.

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December 9, 2003



ANIL KHATRI
SUPERVISORY PATENT EXAMINER